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TAGS: [KTIP](#) [ELAB](#) [KCRM](#) [KPAO](#) [KWMN](#) [PGOV](#) [PHUM](#) [PREL](#) [SMIG](#) [LY](#)  
SUBJECT: LIBYA -- 2009 TIP REPORT: PRESS GUIDANCE AND  
DEMARCHE

REF: A. (A) STATE 59732  
[1](#)B. (B) STATE 005577

[1](#)1. This is an action cable; see paras 5 through 7 and 10.

[1](#)2. On June 16, 2009, at 10:00 a.m. EDT, the Secretary will release the 2009 Trafficking in Persons (TIP) Report at a press conference in the Department's press briefing room. This release will receive substantial coverage in domestic and foreign news outlets. Until the time of the Secretary's June 16 press conference, any public release of the Report or country narratives contained therein is prohibited.

[1](#)3. The Department is hereby providing Post with advance press guidance to be used on June 16 or thereafter. Also provided is demarche language to be used in informing the Government of Libya of its tier ranking and the TIP Report's imminent release. The text of the TIP Report country narrative is provided, both for use in informing the Government of Libya and in any local media release by Post's public affairs section on June 16 or thereafter. Drawing on information provided below in paras 8 and 9, Post may provide the host government with the text of the TIP Report narrative no earlier than 1200 noon local time Monday June 15 for WHA, AF, EUR, and NEA countries and OOB local time Tuesday June 16 for SCA and EAP posts. Please note, however, that any public release of the Report's information should not/precede the Secretary's release at 10:00 am EDT on June 16.

[1](#)4. The entire TIP Report will be available on-line at [www.state.gov/g/tip](http://www.state.gov/g/tip) shortly after the Secretary's June 16 release. Hard copies of the Report will be pouched to posts in all countries appearing on the Report. The Secretary's statement at the June 16 press event, and the statement of and fielding of media questions by G/TIP,s Director and Senior Advisor to the Secretary, Ambassador-at-Large Luis CdeBaca, will be available on the Department's website shortly after the June 16 event. Ambassador de Baca will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 EDT.

[1](#)5. Action Request: No earlier than 12 noon local time on Monday June 15 for WHA, AF, EUR, and NEA posts and OOB local time on Tuesday June 16 for SCA and EAP posts, please inform the appropriate official in the Government of Libya of the June 16 release of the 2009 TIP Report, drawing on the points in para 9 (at Post's discretion) and including the text of the country narrative provided in para 8. For countries where the State Department has lowered the tier ranking, it is particularly important to advise governments prior to the Report being released in Washington on June 16.

[1](#)6. Action Request continued: Please note that, for those countries which will not receive an "action plan" with specific recommendations for improvement, posts should draw host governments' attention to the areas for improvement identified in the 2009 Report, especially highlighted in the "Recommendations" section of the second paragraph of the narrative text. This engagement is important to establishing the framework in which the government's performance will be judged for the 2010 Report. If posts have questions about

which governments will receive an action plan, or how they may follow up on the recommendations in the 2009 Report, please contact G/TIP and the appropriate regional bureau.

¶7. Action Request continued: On June 16, please be prepared to answer media inquiries on the Report's release using the press guidance provided in para 11. If Post wishes, a local press statement may be released on or after 10:30 am EDT June 16, drawing on the press guidance and the text of the TIP Report's country narrative provided in para 8.

¶8. Begin Final Text of Libya,s country narrative in the 2009 TIP Report:

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LIBYA (TIER 2 WATCH LIST)  
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Libya is a transit and destination country for men and women from sub-Saharan Africa and Asia trafficked for the purposes of forced labor and commercial sexual exploitation. Migrants typically seek employment in Libya as laborers and domestic employees or transit Libya en route to Europe. Both migrants and trafficking victims are routinely smuggled through Libya to Europe, especially to or through Italy and Malta, en route to various locations on the continent. Libya,s migrant population of 1.5 to 2 million represents about one-third of

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its overall population. Although precise figures are unavailable, foreign observers estimate that one-half to one percent of foreigners (i.e., up to 20,000 people) may be victims of trafficking. In some cases, smuggling debts and illegal status leave migrants vulnerable to coercion, resulting in cases of forced prostitution and forced labor; employers of irregular migrants sometimes withhold payment or travel documents. As in previous years, there were reports that women from sub-Saharan Africa were trafficked to Libya for the purposes of commercial sexual exploitation. In May 2008, Nigerian officials arrested one of their nationals, a resident of Libya, and rescued 21 young women who they claimed were being trafficked for the purpose of prostitution in Europe after paying the trafficker fees to work as maids in Libya.

The Government of Libya does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these overall efforts, the government did not show evidence of progress in investigating and prosecuting trafficking offenses and protecting trafficking victims; Libya is therefore placed on Tier 2 Watch List.

Recommendations for Libya: Criminalize all forms of trafficking; increase law enforcement efforts to investigate and prosecute trafficking offenses; increase training of government officials to identify and provide protection to victims; develop a program to assist victims; and undertake an information campaign to raise public awareness of the problem of human trafficking.

Prosecution  
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The government did not publicly release statistics on investigations or prosecutions of trafficking offenses or convictions of trafficking offenders in 2008. Press reports indicated that some traffickers were tried under other criminal statutes, though the disposition of those cases is unknown. Although Libya does not have a single law specifically prohibiting trafficking in persons, it does have laws criminalizing prostitution and sexual exploitation, which could be used to prosecute sex trafficking offenses, but there were no indications that the government did so. The 1970 labor law does not criminalize forced labor, but penalizes some exploitative labor practices, including holding an employee's passport. There is no evidence of

government involvement in or tolerance of trafficking at any level.

#### Protection

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The government took minimal steps to improve the protection of trafficking victims during the reporting period. Using established procedures, law enforcement officials collaborated with IOM and UNHCR to screen for evidence of trafficking among populations of refugees and migrants, focusing particularly on individuals who appeared to be traveling on fraudulent documents or claiming a nationality other than their own. In some migrant detention centers, an unknown number of migrants identified as potential victims were referred to NGOs and international organizations for ad hoc medical care and counseling; the government lacked a formal victim referral mechanism and legal services were unavailable to victims. The government did not actively encourage victims to participate in the investigation and prosecution of trafficking offenders. Like irregular migrants, trafficking victims may be susceptible to deportation or punishment for unlawful presence in Libya as a result of being trafficked.

#### Prevention

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Public awareness of human trafficking as a phenomenon distinct from illegal immigration and smuggling is low in Libya, including among government officials. During the reporting period, the government did not conduct any anti-trafficking public information campaigns. The government, however, supported a series of workshops for law enforcement officials and NGOs to raise awareness of human trafficking. During the year, the government provided in-kind assistance to IOM, including facilities, translation services, and transportation costs, which allowed IOM to provide anti-trafficking public awareness campaigns and law enforcement training to a larger audience than initially budgeted. No information was available on measures to reduce the demand for commercial sex acts, or to prevent possible child sex tourism committed abroad by Libyan nationals. The government collaborated with IOM to conduct anti-smuggling and anti-trafficking campaigns targeted to the irregular migrant community.

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19. Post may wish to deliver the following points, which offer technical and legal background on the TIP Report process, to the host government as a non-paper with the above TIP Report country narrative:

(begin non-paper)

-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act, as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. The USG approach to combating human trafficking follows the TVPA and the standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (commonly known as the "Palermo Protocol"). The TVPA and the Palermo Protocol recognize that this is a crime in which the victims, labor or services (including in the "sex industry") are obtained or maintained through force, fraud, or coercion, whether overt or through psychological manipulation. While much attention has focused on international flows, both the TVPA and the Palermo Protocol focus on the exploitation of the victim, and do not require a showing that the victim was moved.

-- Recent amendments to the TVPA removed the requirement that

only countries with a "significant number" of trafficking victims be included in the Report. Beginning with the 2009 TIP Report, countries determined to be a country of origin, transit, or destination for victims of severe forms of trafficking are included in the Report and assigned to one of three tiers. Countries assessed as meeting the "minimum standards for the elimination of severe forms of trafficking" set forth in the TVPA are classified as Tier 1. Countries assessed as not fully complying with the minimum standards, but making significant efforts to meet those minimum standards are classified as Tier 2. Countries assessed as neither complying with the minimum standards nor making significant efforts to do so are classified as Tier 3.

-- The TVPA also requires the Secretary of State to provide a "Special Watch List" to Congress later in the year. Anti-trafficking efforts of the countries on this list are to be evaluated again in an Interim Assessment that the Secretary of State must provide to Congress by February 1 of each year. Countries are included on the "Special Watch List" if they move up in "tier" rankings in the annual TIP Report -- from 3 to 2 or from 2 to 1 ) or if they have been placed on the Tier 2 Watch List.

-- Tier 2 Watch List consists of Tier 2 countries determined: (1) not to have made "increasing efforts" to combat human trafficking over the past year; (2) to be making significant efforts based on commitments of anti-trafficking reforms over the next year, or (3) to have a very significant number of trafficking victims or a significantly increasing victim population. As indicated in reftel B, the TVPRA of 2008 contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier 3. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make significant efforts to bring itself into compliance with the minimum standards.

-- Countries classified as Tier 3 may be subject to statutory restrictions for the subsequent fiscal year on non-humanitarian and non-trade-related foreign assistance and, in some circumstances, withholding of funding for participation by government officials or employees in educational and cultural exchange programs. In addition, the President could instruct the U.S. executive directors to international financial institutions to oppose loans or other utilization of funds (other than for humanitarian, trade-related or certain types of development assistance) with respect to countries on Tier 3. Countries classified as Tier 3 that take strong action within 90 days of the Report's release to show significant efforts against trafficking in persons, and thereby warrant a reassessment of their Tier classification, would avoid such sanctions. Guidelines for such actions are in the DOS-crafted action plans to be shared by Posts with host governments.

-- The 2009 TIP Report, issuing as it does in the midst of the global financial crisis, highlights high levels of

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trafficking for forced labor in many parts of the world and systemic contributing factors to this phenomenon: fraudulent recruitment practices and excessive recruiting fees in workers, home countries; the lack of adequate labor protections in both sending and receiving countries; and the flawed design of some destination countries, "sponsorship systems" that do not give foreign workers adequate legal recourse when faced with conditions of forced labor. As the May 2009 ILO Global Report on Forced Labor concluded, forced

labor victims suffer approximately \$20 billion in losses, and traffickers, profits are estimated at \$31 billion. The current global financial crisis threatens to increase the number of victims of forced labor and increase the associated "cost of coercion."

-- The text of the TVPA and amendments can be found on website [www.state.gov/g/tip](http://www.state.gov/g/tip).

-- On June 16, 2009, the Secretary of State will release the ninth annual TIP Report in a public event at the State Department. We are providing you an advance copy of your country's narrative in that report. Please keep this information embargoed until 10:00 am Washington DC time June 16. The State Department will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 EDT.

(end non-paper)

¶10. Posts should make sure that the relevant country narrative is readily available on or through the Mission's web page in English and appropriate local language(s) as soon as possible after the TIP Report is released. Funding for translation costs will be handled as it was for the Human Rights Report. Posts needing financial assistance for translation costs should contact their regional bureau's EX office.

¶11. The following is press guidance provided for Post to use with local media.

Q1: Why was Libya placed on Tier 2 Watch List?

A: Libya was placed on Tier 2 Watch List because the government did not show evidence of progress in investigating and prosecuting trafficking offenses and protecting trafficking victims. It did not publicly release statistics on investigations or prosecutions of trafficking offenses or convictions of trafficking offenders. The government lacked a formal victim referral mechanism and legal services were unavailable to victims. Trafficking victims may be susceptible to deportation or punishment for unlawful presence in Libya as a result of being trafficked. The government did not actively encourage victims to participate in the investigation and prosecution of trafficking offenders.

Q2: What progress has Libya made in combating trafficking in the past year?

A: Law enforcement officials collaborated with IOM and UNHCR to screen for evidence of trafficking among populations of refugees and migrants, focusing particularly on individuals who appeared to be traveling on fraudulent documents or claiming a nationality other than their own. In some migrant detention centers, an unknown number of migrants identified as potential victims were referred to NGOs and international organizations for ad hoc medical care and counseling. The government provided in-kind assistance to IOM, including facilities, translation services, and transportation costs, which allowed IOM to provide anti-trafficking public awareness campaigns and law enforcement training to a larger audience than initially budgeted.

Q3: What can Libya do to further the fight against trafficking in persons?

A: To advance its anti-trafficking efforts, the Government of Libya could: criminalize all forms of trafficking; increase law enforcement efforts to investigate and prosecute trafficking offenses; increase training of government officials to identify and provide protection to victims; develop a program to assist victims; and undertake an information campaign to raise public awareness of the problem of human trafficking.

¶12. The Department appreciates posts, assistance with the preceding action requests.

¶13. Tripoli minimize considered.  
CLINTON